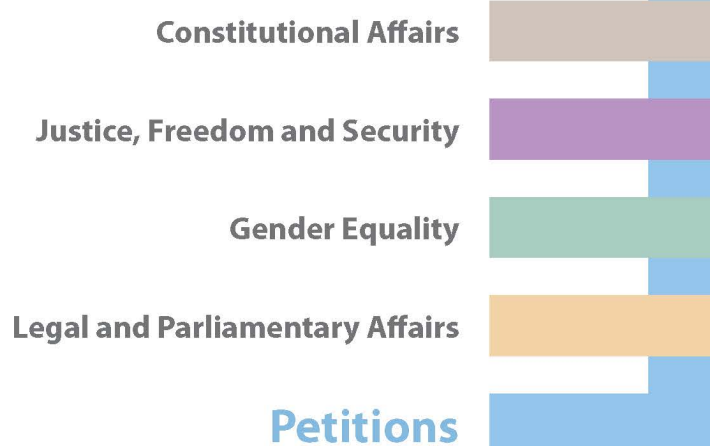


DIRECTORATE-GENERAL FOR INTERNAL POLICIES

**POLICY DEPARTMENT** **C**  
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



# ROUTINE TAIL-DOCKING OF PIGS

Study for the PETI Committee







DIRECTORATE GENERAL FOR INTERNAL POLICIES  
POLICY DEPARTMENT C: CITIZENS' RIGHTS AND  
CONSTITUTIONAL AFFAIRS

PETITIONS

# ROUTINE TAIL-DOCKING OF PIGS

STUDY

## Abstract

Upon request of the PETI committee, the present study examines the issues raised in Petition 0336/2012, the legal framework on the protection of pigs, the level of implementation of the Directive on the protection of pigs in relation to tail-docking on the basis of the available information, the actions being carried out, or that could be carried out, to ensure proper implementation by Member States of the Directive requirements.

## DOCUMENT REQUESTED BY THE COMMITTEE ON PETITIONS

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## LIST OF ABBREVIATIONS

AHAW	EFSA Panel on Animal Health and Welfare
CWF	Compassion in World Farming
ECI	European Citizens' Initiative
ECJ	Court of Justice of the European Union
EEC	European Economic Community
EFSA	European Food and Safety Authority
EU	European Union
FVO	Food and Veterinary Office
MEP	Member of the European Parliament
MS	Member State
MSs	Member States
PETI	European Parliament Committee on Petitions
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union

## EXECUTIVE SUMMARY

The Committee on Petitions (PETI) examined on the 1st of April 2014 Petition 0336/2012 by C.R. (Danish citizen), on behalf of Dyrenes Beskyttelse (Danish Animal Welfare Society), concerning the routine tail-docking of piglets in Denmark<sup>1</sup>.

The petition raised the issue of the lack of implementation in Denmark, as well as in most EU Member States, of Council Directive 2008/120/EC laying down minimum standards for the protection of pigs, in relation to the rules governing the tail-docking of pigs.

The Commission recognised during the discussion that the implementation of the Directive in this regard is not satisfactory, but stated that it did not intend to launch infringement proceedings nor to propose amendments to the Directive, considering these actions as not appropriate. It stated instead that it preferred to rely on guidelines for Member States to ensure better implementation of the Directive, as well as on e-learning tools that are currently being developed. It also pointed to upcoming initiatives, such as framework legislation on animal welfare.

On the same day, PETI committee coordinators discussed the petition, the unsatisfactory implementation of the Directive, as well as the refusal by the Commission to launch infringement proceedings against non-compliant Member States. It was decided to request the Policy Department to analyse the issues discussed so to allow the committee to re-examine the matter during the new parliamentary term, including by potentially deciding to send a delegation to a number of Member States to investigate on the effective implementation of the Council Directive.

The present study addresses the PETI coordinators' request to analyse the issues raised in the petition, the legal framework on the protection of pigs, the level of implementation of the Directive on the protection of pigs in relation to tail-docking on the basis of the available information, and the actions being carried out, or that could be carried out, to ensure proper implementation by Member States of the Directive requirements.

The study concludes that:

- all the available evidence points at persisting high rates of non-compliance in the large majority of Member States in relation to the ban on routine tail-docking of pigs;
- Commission guidelines, training and e-learning tools, including on enrichment and manipulable materials, as well as a possible Framework Law on Animal

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<sup>1</sup> CM– PE 496.627/REV, FdR 1010192

Welfare, can be useful instruments to support farmers and Member States' authorities in the implementation of the Directive;

- at the same time, these could be accompanied by a stricter enforcement policy, notably since the Directive has been in force for more than 10 years (while the ban on routine tail-docking has been in force for more than 20 years);
- the Commission could be bolder and prepared to launch infringement proceedings as an enforcement tool of last resort, as the mere prospect of serious action may prompt Member States to comply;
- the Commission could also more systematically collect, monitor and publish information on the transposition of the Directive by Member States, as well as on their degree of compliance with the ban on routine tail-docking of pigs, including through inspections and specific requests to Member States.

#### Box 1: Tail-biting, tail-docking, routine tail-docking, enriching and manipulable material

Tail-biting, ie a pig biting another pigs' tail, is an abnormal behaviour caused by several risk factors, notably by a poor or stressful environment frustrating the normal investigative behaviour of pigs (which are among the most intelligent and curious animals) in common intensive farming conditions. Tail-biting can result in infections, affecting the health and well-being of tail bitten pigs and can lead to tail-biting outbreaks.

Tail-docking is the practice of removing the tail or part of the tail of a pig, while routine tail-docking is the systematic docking of the tail of pigs, normally done in the early days of life, with the aim of avoiding the risk of tail-biting. It is done without anaesthesia, though it is a mutilation which is painful. Tail-docking can cause long-term chronic pain and infections, as well as redirection of the biting behaviour to other body parts, such as ears and legs.

Enriching and manipulable materials are materials such as straw, hay, wood, sawdust, mushroom compost and peat or a mixture of these, with which pigs can satisfy their explorative, playful and foraging behaviours. Studies have highlighted that the provision of such materials has a positive effect on pigs, reducing the risk of tail-biting.



## 1. PETITION 0336/2012 AND FOLLOW UP IN THE PETI COMMITTEE

Petition 0336/2012, as described in the Summary/Recommendations document by the PETI Committee Secretariat<sup>2</sup>, states the following:

"Having regard to Council Directive 2008/120/EC laying down minimum standards for the protection of pigs, the petitioner complains that Denmark is in breach of the applicable provisions and is docking the tails of piglets without cause. The petitioner points out that tail-docking has significant consequences for the welfare of the animals and that stating orally that the stock is experiencing a problem with tail-biting should not be sufficient reason for tail-docking. The petitioner is therefore asking the European Parliament to ensure the introduction of EU rules on the need to document tail-docking and at the same time bring an immediate halt to routine, illegal tail-docking in Denmark".

### 1.1. First examination of the petition by the Committee

A first discussion on the petition took place during the meeting of the PETI committee of the 20th of March 2013 in Brussels.

The petitioner highlighted that tail-biting is a stress reaction in pigs deriving from an inappropriate environment; that the Council Directive laying down minimum standards for the protection of pigs states that tail-docking must not be carried out routinely and, before tail-docking, other measures shall be taken to prevent tail-biting, taking into account the environment and stocking densities, but that notwithstanding this, 99% of the 29 Million pigs reared per year in Denmark are tail docked; that the Commission audit of 2010 on Denmark states that "tail-docking is still systematically performed without a sufficient investigation by the competent authority if efforts have been made by the farmer to improve the environmental conditions or management systems"<sup>3</sup>; that no corrective action in Denmark was taken following the Commission audit; that tail-docking is a European problem, since several other Member States routinely tail dock piglets, while only a few do it exceptionally as provided in EU legislation (Sweden, Finland and Lithuania); that this situation creates a distortion of the internal market in the EU<sup>4</sup>, with the effect of punishing those Member States complying with EU legislation. The petitioner proposed to shift the burden of proof from the piglet producers currently tail-docking piglets to the slaughter pig producers that experience possible problems of tail-biting outbreaks, who should have the duty to hold only undocked pigs and be able to document, for instance through a veterinary statement, for tail docked pigs that they have had problems with tail-biting and that relevant measures have been taken to address it.

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<sup>2</sup> The petitioner requested that the petition text is treated as confidential.

<sup>3</sup> See "Final Report of a Specific Audit carried out in Denmark from 8 to 16 November 2010 in order to evaluate the implementation of controls for animal welfare on farms and during transport in the context of a general audit", DG(SANCO) 2010-8392 - MR FINAL

<sup>4</sup> For information on the pigs farming sector, pig population, pig meat production, prices, etc, see "Pig farming sector - statistical portrait 2014" (with links to datasets) by Eurostat at:

[http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php/Pig\\_farming\\_sector\\_-\\_statistical\\_portrait\\_2014](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Pig_farming_sector_-_statistical_portrait_2014)

The Commission in its reply of 28 September 2012<sup>5</sup> stated that the proper enforcement of the requirements of Council Directive 2008/120/EC laying down minimum standards for the protection of pigs is a priority, which was discussed with the Member States on 26 March 2012 and is still under discussion. At the same time, the Commission underlined that it is the Member States' responsibility, in this case Denmark, to ensure the proper enforcement of EU legislation. The Commission proposed actions aimed at facilitating the Member States' work in ensuring that pig tails are not routinely docked, through discussions with Member States, EU guidelines covering tail-docking and the provision of enrichment material and work within the framework of the EU Strategy on Animal Welfare (e.g. providing training for official veterinarians through the Better Training for Safer Food Programme). The Commission also stated that "given these steps it is not appropriate to propose an amendment to existing legislation".

The PETI committee decided to keep the petition "open pending further information from the Commission. Members expected the Commission to adopt a tougher attitude towards non-compliant pig farmers in the EU and suggested that the Commission consider launching an infringement procedure against Member States that do not uphold the relevant EU legislation".<sup>6</sup>

## 1.2. Second examination of the petition by the Committee

PETI re-examined petition 0336/2012 during its committee meeting of the 1st of April 2014<sup>7</sup>.

The petitioner stated that Denmark, France, Germany and the United Kingdom carry out routine tail-docking of piglets in violation of the Directive, while Sweden, Finland, Lithuania comply with the Directive requirements, highlighting the existence of an internal market distortion within the EU.

The Commission, in its further reply received by the PETI committee on 30 October 2013, admitted that "tail-docking is widely practised in the EU. The fact that it is practised so widely leads to the conclusion that it is done routinely and thus in breach of Council Directive 2008/120/EC Annex I, chapter I (8)". At the same time the Commission also stated that it "does not believe that infringement procedures would be the most effective instrument to improve compliance". It affirmed that (in relation to the proposal by the petitioner) "amending the legal text e.g. by altering the burden of proof to the buyer would not necessarily improve the situation" and that "guidelines that facilitate the harmonised enforcement in the Member States by, amongst others, addressing the cross border sales issue" represent a tool to strengthen the enforcement of the Directive requirements, which are clear. E-learning tools are also being developed, through the EU WelNet1 project, developing an interactive instrument which would promote increased knowledge on the topics of manipulable material and avoidance of tail-docking. In substance, the Commission excluded any infringement proceedings against

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<sup>5</sup> See [http://www.europarl.europa.eu/RegData/commissions/peti/communication/2013/496627/PETI\\_CM\(2013\)496627\\_EN.doc](http://www.europarl.europa.eu/RegData/commissions/peti/communication/2013/496627/PETI_CM(2013)496627_EN.doc)

<sup>6</sup> See the Minutes of the Meeting of the Committee on Petitions of 20 March 2013, from 09.00 to 12.30 and from 15.00 to 18.30, PETI\_PV(2012)0320\_1

<sup>7</sup> The video of the debate on the petition is available here: <http://www.europarl.europa.eu/ep-live/en/committees/video?event=20140401-0900-COMMITTEE-PETI> starting at 11:39

Member States or amendments to the legislation, preferring instead to focus on the development of guidelines and e-learning tools.

During the debate, MEPs underlined that pigs, because of the non-application of EU Directives and concomitant mistreatment, become stressed and aggressive and bite each other's tails and hence the owners routinely cut their tails to avoid such problems. They also highlighted that some Member States, such as Sweden, clearly prohibit tail-docking and provide for appropriate space for pigs so that they are not stressed and do not resort to tail-biting. However, these Member States experience a serious competitive disadvantage in relation to non-compliant Member States. MEPs criticised the Commission for not taking appropriate and prompt action, as discussions on guidelines started at a very late stage and take time, while unfair competition persists.

The Commission replied to MEPs' interventions by recalling that work and discussions with organisations and Member States are in progress and that guidelines might be adopted in the summer.

PETI coordinators discussed on the 1st of April 2014 the possibility to send a delegation to investigate tail-docking of pigs in some Member States. In the end, they decided to return to this possibility during the new (current) term, after having examined the situation again, including on the basis of new information from the Commission and of the present analysis.

## 2. TAIL-DOCKING OF PIGS IN DIRECTIVE 2008/120/EC AND WITHIN THE CONTEXT OF THE DEVELOPMENT OF A EUROPEAN LEGAL FRAMEWORK ON ANIMAL WELFARE

### 2.1. Tail-docking and Council Directive 2008/120/EC for the protection of pigs

Council Directive 2008/120/EC laying down minimum standards for the protection of pigs and its Annex I, chapter I (8) regulating tail-docking states:

All procedures intended as an intervention carried out for other than therapeutic or diagnostic purposes or for the identification of the pigs in accordance with relevant legislation and resulting in damage to or the loss of a sensitive part of the body or the alteration of bone structure shall be prohibited with the following exceptions:

(...) — docking of a part of the tail, (...)

Neither tail-docking nor reduction of corner teeth must be carried out routinely but only where there is evidence that injuries to sows' teats or to other pigs' ears or tails have occurred. Before carrying out these procedures, other measures shall be taken to prevent tail-biting and other vices, taking into account environment and stocking densities. For this reason inadequate environmental conditions or management systems must be changed.

Any of the procedures described above shall only be carried out by a veterinarian or a person trained as provided in Article 6 and experienced in performing the applied techniques with appropriate means and under hygienic conditions. If castration or docking of tails is practised after the seventh day of life, it shall only be performed under anaesthetic and additional prolonged analgesia by a veterinarian".

In substance, tail-docking:

- can only involve the docking of a part of the tail (prohibition on full tail-docking)
- cannot be carried out routinely (prohibition on routine tail-docking)
- can be carried out only where there is evidence of tail-biting outbreaks
- may only be carried out after taking "other" tail-biting prevention measures, in particular after having changed "inadequate environmental conditions or management systems", taking into account "environment and stocking densities"
- only a veterinarian or a trained person can perform tail-docking

EU institutions and Member States do not seem to dispute the Council Directive provisions on tail-docking, notwithstanding the fact that - on the basis of available information - a wide majority of Member States are not implementing it.

### 2.2. Tail-docking in context: the development of an EU legal framework for the protection of animals kept for farming purposes and minimum standards for the protection of pigs

The ban on the routine tail-docking of pigs should be read within the wider context of the progressive development of European law aimed at protecting animals kept for farming

proposes against unnecessary suffering, that culminated in the insertion in the Treaty of Lisbon of a reference in Article 13 TFEU to the well-being of animals. The main European Treaty and legislative steps in this process are described below.

- The 1976 Council of Europe Convention for the protection of animals kept for farming purposes<sup>8</sup> establishes a series of common provisions for the protection of animals kept for farming purposes, notably taking into consideration "the modern intensive stock-farming systems". It aims at ensuring that animals are treated in a manner "appropriate to their physiological and ethological needs in accordance with established experience and scientific knowledge" and avoiding unnecessary suffering or injury<sup>9</sup> <sup>10</sup>. The Convention was amended in 1992 so as to extend its scope to cover new husbandry systems, biotechnological applications and provisions on the killing of animals on the farm<sup>11</sup>.
- The EU (at that time European Economic Community) approved the Convention through Council Decision 78/923/EEC<sup>12</sup>, which consequently became applicable across the EU. The Decision recognised that the EEC did not include as one of its objectives the protection of animals, but underlined that disparities in national laws may give rise to unequal conditions of competition and hence have an indirect effect on the proper functioning of the internal market. It also observed that the Convention dealt with matters covered by the Common Agricultural Policy, making it necessary for the EC to take part in the Convention.
- The EU then adopted between 1986 and 1991 three specific Directives laying down minimum standards for the protection of laying hens kept in battery cages<sup>13</sup>, calves<sup>14</sup> and pigs.
- Council Directive 91/630/EEC of 19 November 1991 laying down minimum standards for the protection of pigs<sup>15</sup> introduced detailed rules for the protection of pigs confined for rearing and fattening. It established that, as of 1994, new or rebuilt holdings or holdings used for the first time had to comply with requirements on the floor area available to pigs on the basis of their weight, and that, from 1998 onwards, these requirements had to apply to all holdings, with some exceptions.

<sup>8</sup> See <http://conventions.coe.int/treaty/en/Treaties/Html/087.htm>

<sup>9</sup> It is interesting to note that the Council of Europe had already drawn up a European Convention on the protection of Animals in International Transport that was opened to signatures in December 1968 and which established a Committee of Experts on the Protection of Animals. The Assembly of the Council of Europe then proposed in 1971 two recommendations for a Convention on the protection of animals in industrial stock-breeding, and the Committee of Ministers charged the Committee to examine these parliamentary proposals, which led to the Convention on the protection of animals kept for farming purposes. The explanatory memorandum to the Convention explains that it is based on the Assembly draft Convention on Animal Welfare in Intensive Rearing and of the German Animal Protection Law of 1972.

<sup>10</sup> Guiding principles apply to food, water or liquid and care provisions, freedom of movement and space, lighting, temperature, humidity, air circulation, ventilation and other environmental conditions such as gas concentration or noise intensity. Inspections are carried out at least once a day to check the conditions and health of the animals kept in intensive stock-farming. A Standing Committee is set up to draft and adopt recommendations for implementation of the Convention, advisory opinions and reports.

<sup>11</sup> See <http://conventions.coe.int/Treaty/en/Treaties/Html/145.htm>

<sup>12</sup> See <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:31978D0923>

<sup>13</sup> Council Directive 88/166/EEC of 7 March 1988 complying with the judgment of the Court of Justice in Case 131-86, (annulment of Council Directive 86/113/EEC of 25 March 1986 laying down minimum standards for the protection of laying hens kept in battery cages) (OJ L 74 19. 3. 1988, p. 83).

<sup>14</sup> See Council Directive 91/629/EEC of 19 November 1991 laying down minimum standards for the protection of calves (OJ L 340, 11. 12. 1991, p. 28). Directive as last amended by Directive 97/2/EC (OJ L 25, 28. 1. 1997, p. 24).

<sup>15</sup> See Council Directive 91/630/EEC of 19 November 1991 laying down minimum standards for the protection of pigs (OJ L 340, 11. 12. 1991, p. 33), <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31991L0630&from=en>

Member States were bound to ensure that the conditions for rearing pigs complied with Chapter I<sup>16</sup> on general conditions contained in the Annex to the Directive, which also had a second Chapter on specific provisions for various categories of pigs. The Commission was charged with issuing a report in 1997 on the basis of an opinion from the Scientific Veterinary Committee on the intensive pig-rearing system(s) and making proposals where relevant. The Directive provides for a duty for Member States and their competent authorities to make inspections to ensure that the Directive and Annex are complied with. Veterinary experts of the Commission may participate in on-the-spot checks with Member States competent authorities. The Annex states in point 16 that "in addition to the measures normally taken to prevent tail-biting and other vices and in order to enable them to satisfy their behavioural needs, all pigs, taking into account environment and stocking density, must be able to obtain straw or any other suitable material or object", while Chapter II dealing with specific provisions for various categories of pigs states in point III.4. on piglets that "neither tail-docking nor tooth clipping must be carried out routinely but only when there is evidence, on the farm, that injuries to sows' teats or to other pigs' ears or tails have occurred as a result of not carrying out these procedures". Article 11 bound Member States to "bring into force the laws, regulations and administrative provisions, including any sanctions, necessary to comply with this Directive not later than 1 January 1994" and to "inform the Commission thereof". It is noteworthy therefore that - and with practical effect from 1994 - routine tail-docking of pigs has been banned under EU law. Tail-docking has only been permissible where there is evidence proving that no tail-docking intervention on a farm causes animals to injure one another. Even in this instance, preventive action must first be taken.

- Declaration 24 on the Protection of Animals was annexed to the Treaty on the European Union by the Maastricht Treaty signed on the 7th of February 1992, which called "upon the European Parliament, the Council and the Commission, as well as the Member States, when drafting and implementing Community legislation on the common agricultural policy, transport, the internal market and research, to pay full regard to the welfare requirements of animals".
- A Protocol on the protection and welfare of animals was annexed through the Treaty of Amsterdam to the Treaty of the European Community in 1997 and in force from 1999, which stated that in order to "ensure improved protection and respect for the welfare of animals as sentient beings, ...in formulating and implementing the Community's agriculture, transport, internal market and research policies, the Community and the Member States shall pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage".
- Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes<sup>17</sup> further details and enlarges the principles set

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<sup>16</sup> Chapter I of the Annex dealt with general conditions, such as housing (must not be harmful to animals and be cleaned and disinfected); electric security; insulation, heating and ventilation (to ensure appropriate air circulation, dust level, temperature, humidity and gas concentrations); inspections on automated or mechanical equipment (to be inspected once a day at least, defects rectified, back-up and alarm system in place); lighting; inspections (at least once a day; care for ill or injured animals); prevention and action on fighting; pigs accommodation (space to lie down, rest, stand up, clean, see other pigs); tethers; hygiene and disinfection; floors; food, water and other substances (at least once a day, appropriate diet, sufficient, at intervals).

<sup>17</sup> The Commission had proposed it in 1992, but it was finally adopted 6 years later. See <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31998L0058>



in the 1976 European Convention, while building on the *acquis* of the three Directives on the protections of hens, calves and pigs, and thus expanding the EU role in the area of protection of animals kept for farming purposes. It notably establishes common minimum standards for the protection of all animals bred or kept for farming purposes and establishes a mechanism allowing the Commission to submit proposals and recommendations to the Council which are necessary for the application of the 1976 European Convention. It also establishes a duty for Member States to carry out inspections to check compliance with the Directive and to report to the Commission. Veterinary experts from the Commission may also make on-the-spot checks and verify compliance with the Directive.<sup>18 19</sup>

- Council Directive 91/630/EEC of 19 November 1991 laying down minimum standards for the protection of pigs was then amended in 2001 and 2003 through Council Directive 2001/88/EC, Commission Directive 2001/93/EC, which introduced additional restrictive conditions on carrying out mutilations on pigs such as tail-docking, and Council Regulation (EC) No 806/2003.
- These acts were then codified by the Commission in a single text in 2006, which also aimed at integrating the provisions concerning the protection of animals kept for farming purposes contained in Council Directive 98/58/EC, which was adopted as Council Directive 2008/120/EC laying down minimum standards for the protection of pigs (Codified version)<sup>20</sup>. The text shows a different level of recognition of the relevance of animal and pig protection in the EU: pigs are animals with specificities (need for exercise, investigative behaviour, social interaction); being live animals, they are included in Annex I to the Treaty (as products); they are a source of revenue in the framework of agriculture; differences may distort competition and interfere with the common market; common minimum standards are consequently necessary to ensure a rational development of production; mutilations such as "tail-docking, tooth-clipping and tooth-grinding are likely to cause immediate pain and some prolonged pain to pigs. Castration is likely to cause prolonged pain which is worse if there is tearing of the tissues. Those practices are therefore detrimental to the welfare of pigs, especially when carried out by incompetent and inexperienced persons. As a consequence, rules should be laid down to ensure better practices"<sup>21</sup>. The Directive then regulates the floor area made available in relation to the weight of the animals, the category of pig and to whether they are kept in groups; access to manipulable material to be permanently possible; provisions on temporary individual pens are

<sup>18</sup> The Annex contains provisions that were not in the Directive on the protection of pigs, notably staffing; record-keeping; freedom of movement; animals not kept in buildings; breeding procedures.

<sup>19</sup> In 1999, the Commission was also charged with proposing harmonised rules for inspections by Member States, as well as for the format, content and frequency of the reports to the Commission, and submitting to the Council a report on animal welfare rules in non-EU countries and their economic impact. The Annex to the Decision contained a series of Community provisions with which the Member States had to comply. These relation to staffing (sufficient number of staff possessing the appropriate ability, knowledge and professional competence); inspection (at least once a day; care for ill or injured animals); record-keeping (of any medicinal treatment and mortalities, to be kept for at least 3 years); freedom of movement (same as in the 1976 Convention); buildings and accommodation (must not be harmful to animals and be cleaned and disinfected, appropriate air circulation, temperature, humidity and gas concentrations shall be guaranteed, as well as lighting); animals not kept in buildings (to be protected); automatic or mechanical equipment (to be inspected once a day, defects rectified, back-up and alarm system in place); feed, water and other substances (appropriate, sufficient, at intervals); mutilations (national law applies pending possible EU measures, and without prejudice to Council Directive 91/630/EEC of 19 November 1991 laying down minimum standards for the protection of pigs); breeding procedures.

<sup>20</sup> See <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:047:0005:0013:EN:PDF>

<sup>21</sup> Recital 11

foreseen for aggressive, aggressed, injured or ill pigs. Annex I chapter I (8) deals with tail-docking as described above.

- Regulation 882/2004 of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules was introduced to establish harmonised rules in relation to official controls ("any form of control performed by the competent authority or by the Community for the verification of compliance with feed and food law, as well as animal health and animal welfare rules") so as to verify and ensure compliance with national and Community rules. The Regulation is currently being revised (EP has adopted its first reading position)<sup>22</sup>.
- Article 13 of the Treaty on the Functioning of the European Union, as modified by the Treaty of Lisbon, introduced into the body of the EU Treaties the former Protocol on the protection and welfare of animals. Article 13 TFEU now states that "In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage".
- The European Union Strategy for the Protection and Welfare of Animals 2012-2015<sup>23</sup> announces for 2013 the launching of EU guidelines for the protection of pigs. It also recalls the EU body of law on animal welfare, ranging from the horizontal Directive covering the different aspects of the welfare of farmed animals to specific aspects such as transport and slaughter and the keeping of specific animals (calves, pigs, laying hens and broilers) to animals used for experimentation, in zoos and organic farming (with high animal welfare standards for cattle, pig and poultry production).

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<sup>22</sup> See [http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2013/0140\(OLP\)](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2013/0140(OLP))

<sup>23</sup> Brussels, 15.2.2012, COM(2012) 6 final/2

[http://ec.europa.eu/food/animal/welfare/actionplan/docs/aw\\_strategy\\_19012012\\_en.pdf](http://ec.europa.eu/food/animal/welfare/actionplan/docs/aw_strategy_19012012_en.pdf)



### 3. IMPLEMENTATION OF THE COUNCIL DIRECTIVE TAIL-DOCKING REQUIREMENTS IN THE EUROPEAN UNION

Notwithstanding the fact that the Directive is quite clear in terms of what can and cannot be done in relation to tail-docking of pigs, the level of implementation of the Directive in relation to tail-docking is extremely low.

The European Food and Safety Authority (EFSA) 2007 "Scientific Opinion of the Panel on Animal Health and Welfare on a request from Commission on the risks associated with tail-biting in pigs and possible means to reduce the need for tail-docking considering the different housing and husbandry systems" reported that the practice of tail-docking was widespread in the vast majority of EU Member States, with percentages of 81-100%, the only exceptions being Finland (5%), Lithuania and Sweden (0%). Three EU Member States - Austria, Denmark and Slovenia - have specific legislation further limiting this practice, while 3 others - Finland, Lithuania and Sweden - have prohibited tail-docking, unless motivated from a medical veterinary perspective, which partly explains the data reported above<sup>24</sup>.

The Commission does not seem to have collected systematic information or reported in an extensive manner on the transposition into national law of the tail-docking requirements of the Council Directive, nor has it collected systematic information on the Member States' compliance in practice (although it is conscious of the widespread non-compliance). For instance, Commissioner Borg replied on 14 March 2014 to a Parliamentary Question stating that "the Commission does not have exact figures on the degree of compliance with enrichment material and avoidance of tail-docking requirements. Audits performed by the Food and Veterinary Office of the Commission's Health and Consumers Directorate General in 2008 and 2009 indicate that these provisions are not met in a majority of the Member States inspected." (See Annex on Parliamentary Questions and Commission Answers)

Information can nonetheless be extracted from the Food and Veterinary Office (FVO) reports on visits to EU Member States to check compliance with EU law. Recent research carried out on the basis of this data shows that only 6 Member States comply with the tail-docking requirements (Cyprus, Finland, Lithuania, Slovakia, Sweden, and United Kingdom), for 5 there is no information (Croatia, Ireland, Latvia, Malta, Spain), while the remaining 17 do not comply, according to the FVO information<sup>25</sup>.

Some NGOs also carry out visits to farms to check compliance with the EU Council Directive on pigs. Compassion in World Farming (CWF) has been particularly active in this field and its reports allege widespread breaches in Member States. CWF issued a report on the investigations carried out in 2008 and 2009 at 74 pig farms in 6 Member States (Germany, Denmark, Hungary, Netherlands, Spain and UK). The report revealed that "the

<sup>24</sup> The EFSA Journal (2007) 611, 1-13 <http://www.efsa.europa.eu/en/efsajournal/doc/611.pdf> and "Tail docking in pigs: a review on its short- and long-term consequences and effectiveness in preventing tail biting", E.Nannoni, T.Valsami, L.Sardi, G.Martelli, University of Bologna, in Italian Journal of Anima Science 2014; volume 13:3095.

<sup>25</sup> See Edman, Frida, 2014. Do the member states of the European Union comply with the legal requirements for pigs regarding manipulable material and tail docking?. First cycle, G2E. Skara: SLU, Department of Animal Environment and Health, <http://stud.epsilon.slu.se/7178/>

majority of pigs seen during the investigation were being farmed illegally in breach of EU Council Directive 2008/120". In **2013** CWF carried out a second round of investigations at 45 pigs farms in 6 Member States (Italy, Spain, Poland, the Czech Republic, Ireland and Cyprus), which revealed that all except one farm were breaking important parts of the Pigs Directive. This is particularly the case with **tail-docking, which was carried out routinely** in all farms visited in each MS (100% prevalence of tail-docking, except in the Czech Republic, 87.5%).<sup>26</sup>

**Table 1: Implementation of the tail-docking ban in EU Member States**

Source	EFSA 2007	FVO visits (as reported in the 2014 study)	CWF 2013
EU tail-docking requirements			
Compliant Member States	3: Finland, Lithuania, Sweden	6 : Cyprus, Finland, Lithuania, Slovakia, Sweden, United Kingdom	-
Non-compliant Member States	15: Austria, Belgium, Cyprus, Denmark, Estonia, France, Germany, Greece, Ireland, Italy, Netherlands, Portugal, Slovenia, Spain, United Kingdom	17: Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Italy, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovenia	6: Italy, Spain, Poland, the Czech Republic, Ireland, Cyprus
No information	-	5: Croatia, Ireland, Latvia, Malta, Spain	-

<sup>26</sup> "Widespread breaches of pig welfare laws in the EU, Summary report, September 2013, available at [https://www.ciwf.org.uk/includes/documents/cm\\_docs/2013/w/widespread\\_breaches\\_of\\_pig\\_welfare\\_laws\\_in\\_the\\_eu.pdf](https://www.ciwf.org.uk/includes/documents/cm_docs/2013/w/widespread_breaches_of_pig_welfare_laws_in_the_eu.pdf)

## 4. ACTIONS TAKEN TO IMPROVE IMPLEMENTATION AT EU LEVEL AND POSSIBLE ACTIONS TO BE TAKEN IN THE FUTURE

The Commission has repeatedly stated that it is a priority to ensure compliance with EU legislation on pigs and tail-docking. The position of the Commission in relation to the enforcement of the Directive on pigs has changed over time, as can be seen from the answers received to Parliamentary Questions by MEPs: it has shifted from a policy of affirmation of the role of the Commission as Guardian of the Treaties (calling on Member States to comply through recommendations and letters and stating its readiness to bring infringement proceedings against non-compliant Member States), to an attitude of pointing to Member States' responsibilities for the poor implementation of the Directive and a policy based on guidelines and training tools (see Annex). The Commissioner for Health and Food Safety Vytenis Andriukaitis stated at the hearing on 30 September 2014 before the Committee on Environment, Public Health and Food Safety that he "will ensure that legislation on animal welfare is duly enforced"<sup>27</sup>, a political line which will be further detailed in the upcoming months through Commission initiatives and programmes.

### 4.1. Guidelines and e-tools

The Commission has stated repeatedly that it has been discussing with Member States ways to ensure better implementation of the Council Directive. The most recent effort has been to discuss the possible adoption of guidelines with Member States and stakeholders. The Commission also proposed to use e-learning tools.

The guidelines recall the legal obligations contained in the Pigs Directive, and notably Annex 1 par. 8 of Directive 2008/120/EC, as well as scientific evidence provided in the EFSA report of 2007. Pictures and text illustrate how frustration and stress can lead pigs to bite both docked and undocked tails, and how enrichment material can prevent tail-biting. It recalls the risk factors that have an influence on tail-biting according to the EFSA Scientific Opinion and the fact that the combination of these multiple factors can lead to a tail-biting outbreak. A 2012 diagram from EFSA<sup>28</sup> presents a series of actions farmers can take to control an outbreak of tail-biting. The negative outcomes of tail-biting are described briefly, such as pain, reduced weight gain, systemic infections, economic effects and "job satisfaction". Tail-docking and related legal requirements are very briefly illustrated. Scientific data are reported showing that when enrichment material is provided, tail-biting becomes the same for docked and undocked pigs, recalling that, as the EFSA scientific technical report of 2011<sup>29</sup> states, "an intact curly tail may well be the single most important animal-based welfare indicator for weaned, growing and finishing pigs...", and that society has become more aware of the moral issues related to farmed animals welfare.

<sup>27</sup> [http://www.europarl.europa.eu/RegData/etudes/BRIE/2014/536306/IPOL\\_BRI\(2014\)536306\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2014/536306/IPOL_BRI(2014)536306_EN.pdf)

<sup>28</sup> EFSA 2012 Scientific Opinion on the use of animal-based measures to assess welfare in Pigs, EFSA Panel on Animal Health and Welfare (AHAW), European Food Safety Authority (EFSA), Parma, Italy <http://www.efsa.europa.eu/en/efsajournal/doc/2512.pdf>;

Scientific Opinion concerning a Multifactorial approach on the use of animal and non-animal-based measures to assess the welfare of pigs, EFSA Panel on Animal Health and Welfare (AHAW), European Food Safety Authority (EFSA), Parma, Italy <http://www.efsa.europa.eu/en/efsajournal/doc/3702.pdf>

<sup>29</sup> <http://www.efsa.europa.eu/en/supporting/doc/181e.pdf>

A series of rounds of discussions have taken place since March 2013<sup>30</sup> and continued during 2014, but up to now the guidelines have not been adopted and discussions have proven difficult.

Concerning training and e-learning tools, the EUWeNet, established by the Commission, represents a helpful training tool for inspectors and farmers. It sets out in practical terms what should be done to comply with the Directive's requirements on tail-docking and the provision of enrichment materials<sup>31</sup>.

It has to be underlined that guidelines are not binding; moreover, although they are addressed to pig farmers, they seem to be drafted in a language that could not be described as accessible to them<sup>32</sup>. At the same time, guidelines are normally issued a few years after the transposition deadline and the implementation report to clarify possible problems with interpretation or to address incorrect transposition or implementation by Member States. In this case, the guidelines come 10 years after the entry into force of the Directive and directly address stakeholders. Concerning the instrument of e-learning tools, although useful, one could wonder if this is the best way to inform, convince and ensure that pig farmers implement the Directive requirements.

## 4.2. FVO visits

The FVO conducts visits in Member States to check compliance with legislation. A study that has looked into the recommendations made by the FVO to Member States in relation to violations of the tail-docking requirements of the Directive has revealed that of the 17 Member States found to be non-compliant, 10 received a recommendation from the Audit Team, while seven did not. Furthermore, sometimes the FVO teams investigated tail-docking, while in other cases they did not, even where previous recommendations to the same MS requested corrective measures in relation to tail-docking<sup>33</sup>.

It consequently seems that the monitoring by the FVO of tail-docking of pigs in Member States is patchy and does not constitute a mechanism ensuring implementation of the Directive. Such a mechanism would have to mean that tail-docking is systematically checked, recommendations are issued, their application by Member States is monitored and further action is taken in cases on non-compliance.

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<sup>30</sup> [http://ec.europa.eu/dgs/health\\_consumer/dyna/enews/enews.cfm?al\\_id=1358](http://ec.europa.eu/dgs/health_consumer/dyna/enews/enews.cfm?al_id=1358)

<sup>31</sup> The EUWeNet project, available in 7 languages at <http://euwelnet.hwnn001.topshare.com/>, is co-financed by the European Commission.

<sup>32</sup> See Draft guidelines as published by the Commission in May 2014 at:

[http://ec.europa.eu/dgs/health\\_consumer/information\\_sources/docs/ahw/20140701\\_guideline\\_tail-biting\\_en.pdf](http://ec.europa.eu/dgs/health_consumer/information_sources/docs/ahw/20140701_guideline_tail-biting_en.pdf)

<sup>33</sup> See Edman, Frida, 2014. "Do the member states of the European Union comply with the legal requirements for pigs regarding manipulable material and tail docking?". First cycle, G2E. Skara: SLU, Dept. of Animal Environment and Health, <http://stud.epsilon.slu.se/7178/>

### 4.3. Infringement proceedings

The Commission has up to now preferred to avoid taking the non-compliant Member States to the European Court of Justice for non-compliance with the Directive in relation to tail-docking. It has stated that it "does not believe that infringement procedures would be the most effective instrument to improve compliance", preferring dialogue with Member States, guidelines and e-learning tools.

At the same time, the Commission sent letters of formal notice to nine Member States and then decided to launch infringement proceedings against five of them (Belgium, Cyprus, Greece, France, Slovenia and Finland) on the basis of the Pigs Directive, but in relation to the requirements on group housing of sows only<sup>34</sup>.

The Commission is understandably reluctant to take a large number of Member States to the ECJ, with the risk of having the same Member States trying to water down the Directive requirements on tail-docking in the future revisions of it. At the same time, more than 10 years after the entry into force of the Directive, and more than 20 years after the entry into force of the ban on routine tail-docking of pigs, there would be a strong argument for launching infringement proceedings against those Member States that are in breach of the Directive. This also raises an issue of the rule of law and of "routine" violation of EU law<sup>35</sup>. Letters of formal notice (for instance, based on the results of the FVO visits or of other data, including data collected by the Commission) could push Member States to ensure compliance and to inform the Commission about actions they intend to take.

### 4.4. Possible future Commission proposal for a Framework Law on Animal Welfare

The Commission stated in its reply to the PETI committee on 30 October 2013 that "based on the EU Strategy 2012 – 2015<sup>36</sup> the Commission is considering to propose a framework law on animal welfare that may introduce specific welfare indicators and other tools to improve implementation of animal welfare rules. Such indicators may include the presence or non-presence of tails in pigs at certain production levels". Such a Framework Law has been repeatedly called for by the EP<sup>37</sup>.

A framework law on animal welfare could be a positive development towards the concrete implementation of article 13 TFEU. The lines of action indicated might improve implementation. Still, it will depend on the contents of the proposal, the indicators, the tools, as well as monitoring and sanctioning mechanisms, including a more forceful action by the Commission to take Member States to the ECJ in infringement cases.

<sup>34</sup> see [http://europa.eu/rapid/press-release\\_MEMO-14-36\\_en.htm](http://europa.eu/rapid/press-release_MEMO-14-36_en.htm)

<sup>35</sup> H.Lerner, B. Algers, "Tail docking in the EU: a case of routine violation of an EU directive" in "The ethics of consumption : the citizen, the market and the law", edited by Helena Röcklinsberg, Per Sandin, Wageningen : Wageningen Academic Publishers, 2013.

<sup>36</sup> [http://ec.europa.eu/food/animal/welfare/actionplan/actionplan\\_en.htm](http://ec.europa.eu/food/animal/welfare/actionplan/actionplan_en.htm)

<sup>37</sup> See European Parliament resolution of 4 July 2012 on the European Union Strategy for the Protection and Welfare of Animals 2012–2015 (2012/2043(INI)), <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2012-0290&language=EN&ring=A7-2012-0216>

## 4.5. Developing instruments to avoid routine tail-docking

The Commission and EFSA have been working intensively on studying the risk factors that lead to tail-biting in pigs with the aim of ultimately diminishing the recourse of farmers to tail-docking as a preventive measure against possible tail-biting. They have particularly worked to ensure that enriching and manipulable materials are provided to pigs, to satisfy their behavioural needs and avoid tail-biting, thus obviating the need for tail-docking can be avoided. The importance of such materials is reflected in Paragraph 4 of Chapter I of Annex I to the Directive, providing that "pigs must have permanent access to a sufficient quantity of material to enable proper investigation and manipulation activities, such as straw, hay, wood, sawdust, mushroom compost, peat or a mixture of such, which does not compromise the health of the animals".

The European Commission requested a Scientific Opinion from the Panel on Animal Health and Welfare on the "risks associated with tail-biting in pigs and possible means to reduce the need for tail-docking considering the different housing and husbandry systems"<sup>38</sup>, which was published in 2007 by EFSA. Its main conclusions were that "the need to perform exploration and foraging behaviour is considered to be a major underlying motivation" for tail-biting, which is considered an abnormal behaviour with a multi-factorial causes. Some causal factors have more weight, such as the absence of (long) straw or rootable substrate, the presence of slatted floors and a barren environment. Further hazards for tail-biting are competition for feed and/or inadequate feed intake; climate conditions, heat and cold stress, high airspeed and poor health status. EFSA then stated that "the efficacy of tail-docking to reduce the frequency of tail-biting is very difficult to estimate since it depends on the level of tail-biting in control undocked pigs...Under common intensive farming conditions, tail-docking reduces the frequency of tail-biting, but does not completely eliminate the problem when unfavourable conditions persist". The Risk Assessment identifies the lack of appropriate enrichment manipulable materials as one of the main elements leading to tail-biting and to be addressed to reduce the phenomenon.

EFSA came back on the issue in 2014, upon request of the Commission, with a Scientific Opinion concerning a Multifactorial approach on the use of animal and non-animal-based measures to assess the welfare of pigs, especially welfare parameters in the Pigs Directive regulating the provision of manipulable material and avoidance of tail-docking<sup>39</sup>. The Opinion confirms previous conclusions: "pigs have a need for manipulable materials to satisfy a range of behavioural needs", that "when these needs are not met, a range of adverse welfare consequences result, one of these being an increased risk for tail-biting in weaners and rearing pigs" and that "alleviation of the predisposing animal, environmental and management factors on that farm is essential when aiming to avoid tail-docking". The Opinion then looks into the multiple interactions between risk factors, welfare consequences and animal and non-animal-based measures, in relation to the absence of functional manipulable materials and for pigs at different stages in life. It also examines risk factors for tail-biting, for weaners and rearing pigs only - the aim being to manage and control better risk factors in a farm situation to reduce the need for docking. A tool-box for

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<sup>38</sup> The EFSA Journal (2007) 611, 1-13 <http://www.efsa.europa.eu/en/efsajournal/doc/611.pdf>

<sup>39</sup> EFSA Panel on Animal Health and Welfare (AHAW), Scientific Opinion concerning a Multifactorial approach on the use of animal and non-animal-based measures to assess the welfare of pigs, EFSA Journal 2014; 12(5):3702 [101 pp.], <http://www.efsa.europa.eu/en/efsajournal/pub/3702.htm>

on farm use to assess the presence and degree of risk factors for tail-biting is then proposed.

These Scientific Opinions were used by the Commission as a basis for proposing guidelines to address both tail-docking and enrichment materials. Admittedly it is important to investigate the risk factors leading to tail-biting and consequently to tail-docking and hereby helping farmers to "break the circle" through guidelines and tool boxes; this is particularly relevant as this provides guidance in relation to which measures farmers have to take to comply with the Directive. However, attention should not be diverted from the fact that the Directive prohibiting routine tail-docking are clear and are clearly being violated by farmers across the EU, in the absence of enforcement action by Member States and EU competent authorities.



## 5. CONCLUSIONS

There is growing social and political concern on the issue of animal welfare and intensive farming, including on pigs. Citizens look at animals not only as source of food and meat, but also as sentient living beings that have the right to be protected from cruel treatment. They believe more and more that the diminishing quality of meat is caused by the methods used in intensive farming. This changing attitude among EU citizens is also hinted at by the number of petitions received by the EP on the issue, by the fact that a petition sponsored by CWF calling on EU Agriculture Ministers to ensure that Member States comply fully with the EU Pigs Directive gathered 475,576 signatures between March 2013 and March 2014<sup>40</sup>, by the fact that tail-docking was the subject of an episode of the TV series "Borgen", and that it was recently an issue of contention between Denmark and Sweden<sup>41</sup>, as well as in recent EP elections in Sweden.

Against this backdrop of growing concern, all the available evidence points at persisting high rates of non-compliance in the large majority of Member States.

Commission initiatives to work on guidelines, training and e-learning tools, including on enrichment and manipulable materials, and a possible Framework Law on Animal Welfare can be useful instruments to support farmers and Member States' authorities in the implementation of the Directive.

At the same time, these could be accompanied by a stricter enforcement policy, notably since the Directive has been in force for more than 10 years (while the ban on routine tail-docking has been in force for more than 20 years).

The Commission could be bolder and prepared to launch infringement proceedings as an enforcement tool of last resort, by sending letters of formal notice to non-compliant Member States and entering into formal dialogue with them to achieve concrete enforcement of the Directive. The mere prospect of serious action may prompt Member States to comply.

The Commission could also more systematically collect, monitor and publish information on the transposition of the Directive by Member States, as well as on their degree of compliance with the ban on routine tail-docking of pigs, including through inspections and specific requests to Member States.

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<sup>40</sup> See <http://action.ciwf.org.uk/ea-action/action?ea.client.id=119&ea.campaign.id=26709&ea.tracking.id=2d57aea1>

<sup>41</sup> see for instance <http://www.globalmeatnews.com/Industry-Markets/Boycott-of-Danish-pork-widens-in-Sweden>



## ANNEX I: PARLIAMENTARY QUESTIONS AND COMMISSION ANSWERS<sup>42</sup>

Question title, type, author, date, reference	Question	Answer
<p><b>Pigs Directive 2008/120/EC</b></p> <p>Question for written answer to the Commission Rule 117 Kent Johansson (ALDE)</p> <p>Date : <b>21 March 2014</b></p> <p>Reference : P-003469/2014</p>	<p>Since 2010 the Food and Veterinary Office (FVO) has carried out 17 inspections in Member States of compliance with the EU Pigs Directive 2009/120/EC as regards environmental enrichment and the ban on tail-docking. The FVO noted breaches concerning the provision of straw for pigs and instances of tail-docking at 12 of these inspections (in Belgium, Bulgaria, Denmark, France and Italy in 2010, and in Portugal, Romania, Slovakia, the Czech Republic, Hungary and Austria in 2012). At three inspections no breaches were reported and only in two cases (Luxembourg and Sweden) were the inspectors able to note full compliance with the directive.</p> <ol style="list-style-type: none"> <li>1. In view of the FVO inspections in a majority of Member States into the provision of manipulation material for pigs and the practice of tail-docking, does the Commission consider that breaches or infringements of the directive take place in most Member States?</li> <li>2. Does the Commission consider, in the light of the FVO's inspections, that the trade in pigmeat within the EU is taking place on a level playing field and in accordance with the Treaties?</li> <li>3. When will the Commission impose penalties against those Member States in which routine breaches of the Pigs Directive 2008/120/EC have been shown to take place?</li> </ol>	<p><b>22 April 2014</b></p> <p><b>Answer given by Mr Borg on behalf of the Commission</b></p> <p>The Commission would refer to its answers to Written Question <b>E-000918/2014</b><sup>(1)</sup> as regards the lack of provision of manipulable material for pigs<sup>(2)</sup> and <b>E-011216/2013</b><sup>(3)</sup> on action taken by the Commission.</p> <p>The conditions for the production of pigmeat in the EU are influenced by several factors, animal welfare requirements are only a part of it. It should be noted that with regard to animal welfare, Member States may introduce national rules that go beyond EU requirements. Depending on the nature of these national rules they might have an impact on production costs and profitability.</p> <p>It is not within the legal powers of the Commission to impose penalties on the Member States. The approach chosen by the Commission has been further explained in the answer to Written Question <b>E-011216/2013</b>.</p>
<p><b>Pig welfare — enrichment materials and tail-docking</b></p> <p><a href="http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&amp;reference=E-2014-000918&amp;language=EN">http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&amp;reference=E-2014-000918&amp;language=EN</a></p> <p>E-000918-14</p>	<p>EU legislation on the protection of pigs states that pigs should have permanent access to a sufficient quantity of material to enable proper investigation and manipulation activities and also bans routine tail-docking.</p> <p>The Commission recently stated that in order to ensure that these requirements are being upheld by Member States it would 'actively assist Member States in the application of these requirements through</p>	<p><b>14 March 2014</b></p> <p><b>Answer given by Mr Borg on behalf of the Commission</b></p> <p><b>The Commission does not have exact figures on the degree of compliance with enrichment material and avoidance of tail-docking requirements</b><sup>(1)</sup>. Audits</p>

<sup>42</sup> Searches were made with "docking" and "tail", excluding those not related to pigs

<p>Question for written answer to the Commission - Rule 117 Fiona Hall (ALDE)</p> <p>Date : <b>29 January 2014</b></p>	<p>capacity building', via the development, in collaboration with Member States, of guidelines on enrichment material for pigs and tail-biting, as well as providing training programmes to build common understandings of the legislative requirements, for both pig producers and Member State authorities.</p> <p>Does the Commission have any data regarding the compliance rates in Member States with regard to the provision of enrichment materials and the ban on routine tail-docking?</p> <p>When does the Commission expect the guidelines on enrichment materials and tail-biting to be complete?</p>	<p>performed by the Food and Veterinary Office of the Commission's Health and Consumers Directorate General in 2008 and 2009 indicate that <b>these provisions are not met in a majority of the Member States inspected</b>.</p> <p>The Commission guidelines are foreseen to be finalised this year.</p>
<p><b><u>Failure by Spain to enforce the directive on pig welfare</u></b></p> <p>Question for written answer to the Commission Rule 117 Raül Romeva i Rueda (Verts/ALE), Dan Jørgensen (S&amp;D), Carl Schlyter (Verts/ALE), Iñaki Irazabalbeitia Fernández (Verts/ALE), Keith Taylor (Verts/ALE)</p> <p>Date : <b>23 October 2013</b></p> <p>Reference : E-012150/2013</p>	<p>Council Directive 2008/120/EC stipulates that sows and gilts must have permanent access to manipulable material at least complying with the relevant requirements of Annex I to the directive. It also prohibits routine tail-docking.</p> <p>In 2008 Compassion in World Farming visited eleven pig farms in Spain. None of the farms provided enrichment materials and a significant number of tail-docked pigs were found in all eleven farms. These findings were passed on to the Spanish authorities and the Commission. In 2013 Compassion in World Farming returned to Spain and visited nine pig farms. None of these farms provided enrichment materials and all the pigs seen in all nine farms had had their tails docked. There has been no improvement in the level of compliance in Spanish pig farms since the investigation in 2008. These new findings have once again been passed on to the Spanish authorities and the Commission.</p> <p>Has the Commission written to the Spanish authorities and impressed on them the need to improve compliance with these provisions?</p>	<p><b>12 December 2013</b></p> <p><b>Answer given by Mr Borg on behalf of the Commission</b></p> <p>The Commission would refer the Honourable Member to its answer to Written Question E-011216/2013<sup>(1)</sup>.</p> <p><b>The Commission has specifically contacted Spain in 2010 with regard to the findings of Compassion in World Farming. However, the Commission is developing guidelines</b> on the provision of manipulable material in close collaboration with the Member States and this will ensure that due attention is given to the aforementioned topic.</p>
<p><b><u>Welfare of pigs - illegal tail-docking</u></b></p> <p>Question for written answer to the Commission Rule 117 Nicole Sinclair (NI)</p> <p>Date : <b>14 October 2013</b></p>	<p>The EU directive on the protection of pigs, which came into force in 2003, makes the docking of pigs' tails illegal.</p> <p>The NGO Compassion in World Farming has revealed that this practice is still widespread<sup>(1)</sup>.</p> <p>Has the Commission done anything to identify those Member States that are routinely flouting the law?</p> <p>What steps has the Commission taken, or what steps does it envisage taking, to address this cruel and unnecessary practice?</p>	<p><b>9 December 2013</b></p> <p><b>Answer given by Mr Borg on behalf of the Commission</b></p> <p><b>Routine tail-docking, which is contrary to the requirements of Directive 2008/120/EC<sup>(1)</sup>, is widespread across the EU.</b></p> <p>The Commission takes the implementation of animal welfare rules seriously. Thus several actions are foreseen in the EU Animal Welfare Strategy 2012-2015<sup>(2)</sup> to improve the</p>

<p>Reference :</p> <p>E-011680/2013</p>		<p>degree of enforcement across EU.</p> <p>The Commission began to develop <b>guidelines</b> on the provision of manipulable material and avoidance of tail-biting in 2013 and has already convened two meetings with the Member States and stakeholders. Such guidelines may assist both pig producers and Member States' authorities in their efforts to comply with Directive 2008/120/EC, and thus to abandon tail-docking.</p> <p>Additionally, the Commission provides national officials with <b>training programmes</b><sup>(3)</sup> to build a common understanding of the legislative requirements.</p>
<p><b>Question for written answer to the Commission</b></p> <p><b>Rule 117</b></p> <p><b>Kartika Tamara Liotard (GUE/NGL)</b></p> <p>Date : <b>02 October 2013</b></p> <p>E-011216-13</p>	<p>Recent investigations carried out by the NGO Compassion in World Farming (CiWF) have highlighted that virtually not a single one of the 45 pig farms investigated in Italy, Spain, Poland, the Czech Republic, Ireland and Cyprus complies with the current animal welfare rules stipulated by Council Directive 2008/120/EC. A previous CiWF investigation highlighted that rules stipulated by the same directive have also been breached by 74 farms in Germany, Denmark, Hungary, Spain, the UK and the Netherlands. This causes pigs to suffer from a lack of space, filthy stalls, a lack of stall enrichment and the illnesses and injuries resulting from this.</p> <ol style="list-style-type: none"> <li>1. Is the Commission prepared to examine the six recent investigations carried out by CiWF in Italy, Spain, Poland, the Czech Republic, Ireland and Cyprus?</li> <li>2. Does the Commission think that the situation in the stalls visited complies with Directive 2008/120/EC?</li> <li>3. How does the Commission view the implementation of Directive 2008/120/EC in the countries visited?</li> <li>4. How does the Commission view the fact that EU rules which came about in 2003 are still not being implemented properly 10 years on?</li> <li>5. Have infringement proceedings already been initiated against Member States due to their failure to enforce Directive 2008/120/EC? If not, why not? If so, what practical steps are Member States which have had proceedings initiated against them currently taking to guarantee the welfare of pigs as soon as possible?</li> </ol>	<p><b>26 November 2013</b></p> <p><b>Answer given by Mr Borg on behalf of the Commission</b></p> <p>Member States' have the primary responsibility to enforce Union law within their jurisdiction when instances of non-compliance are discovered. Although enforcement of existing animal welfare legislation is important for <b>the Commission</b>, the latter <b>can only intervene when it is clear that a Member State systematically fails to enforce such legislation.</b></p> <p>Infringement proceedings were launched earlier this year as regards group housing of sows. <b>A different approach has been chosen regarding the provision of manipulable material and avoidance of tail-docking. While the Commission is aware that in some Member States the situation is unsatisfactory, it is necessary to actively assist Member States in the application of these requirements through capacity building.</b></p> <p>It is for this reason that the Commission has undertaken to develop <b>guidelines on enrichment material for pigs and tail-biting in close collaboration with the Member States.</b> Additionally, the Commission provides national officials with <b>training programmes</b><sup>(1)</sup> to build a common understanding of the legislative requirements. The most recent training on welfare of pigs took place on 12-15 November 2013. <b>The Commission will continue to</b></p>



	6. Do the enclosed investigations provide the Commission with the opportunity to take further action to ensure compliance with existing regulations? If so, what new action will the Commission now take?	<b>proceed along these lines and will only use infringement proceedings as a last resort against Member States.</b>
<p><b>Pigs</b></p> <p>Question for written answer to the Commission Rule 117 Raül Romeva i Rueda (Verts/ALE)</p> <p>Date : <b>18 April 2013</b></p> <p>Reference : E-004418/2013</p>	<p>The EU directive laying down minimum standards for the protection of pigs was adopted in 2001 (Council Directive 2001/88/EC of 23 October 2001 amending Directive 91/630/EEC laying down minimum standards for the protection of pigs). Both directives laid down the requirements to be met by all installations with pigs confined for rearing or fattening, and a period of 10 years was established for existing holdings to comply with the rules. In other words, compliance had been compulsory since 2003 for newly built or rebuilt holdings, and has been compulsory for all holdings as of 2013.</p> <p>However, despite the new rules, work is still needed to improve pigs' well-being. Article 3 of the directive lays down that Member States must ensure that sows and gilts are reared in groups of at least 10 sows or more. This guideline is still being ignored by producers in some Member States. Each year hundreds of pigs are mutilated, having their tails cut off or being castrated, sometimes with scissors, or having their back teeth extracted, even with pliers, despite the directive clearly stipulating that these practices must not be carried out in a rudimentary manner.</p> <p>The industry hides behind claims that these mutilations are necessary to stop the pigs attacking each other by tail-biting. However, it is the industry that has created this situation, owing to the deplorable conditions on farms.</p> <p>What will the Commission do to guarantee full compliance with Directive 2001/88/EC? Does it plan to impose some kind of sanction on producers who do not comply with the rules? Will alternatives to castration be looked into? What less brutal alternatives are there to tail-docking and tooth extraction?</p>	<p><b>29 May 2013</b></p> <p><b>Answer given by Mr Borg on behalf of the Commission</b></p> <p>With regard to Directive 2008/120/EC<sup>(1)</sup> and the requirement for group housing of sows the Commission on 21 February 2013 launched infringement proceedings against nine Member States for non-compliance. On other issues such as the provision of manipulable material the Commission plans to develop <b>guidelines</b>. Such guidelines may assist both pig producers and Member States' authorities in their efforts to comply with the directive and thus e.g. <b>avoid the need to tail dock pigs</b>.</p> <p>With regard to alternatives to pig castration currently five studies are being performed the outcomes of which should help ensure the phasing out of surgical castration by 2018.</p> <p><b>It is furthermore the responsibility of the Member States to take all the necessary enforcement measures and/or sanctions as laid down in Articles 54 and 55 of Regulation (EC) No 882/2004<sup>(2)</sup> on official controls to correct the situation if cases of non-compliance are discovered.</b></p>
<p><b><u>Breach of EU animal welfare rules on Spanish pig farms</u></b></p> <p>Question for written answer to the Commission Rule 117</p>	<p>The recent investigation of Spanish pig farms conducted by the animal welfare organisation 'Compassion in World Farming' (CIWF) revealed the illegal mistreatment of pigs. Council Directive 2008/120/EC on the protection of pigs was breached in three ways. Firstly, sow stalls were in use despite the ban on sow stalls that came into force in January of this year. Secondly, fattening pigs were kept indoors in barren housing, with</p>	<p><b>30 May 2013</b></p> <p><b>Answer given by Mr Borg on behalf of the Commission</b></p> <p>With regard to the partial ban on individual sow stalls, the Commission on 21 February 2013 launched infringement</p>

<p>Brian Simpson (S&amp;D)</p> <p>Date :<b>28 March 2013</b></p> <p>Reference :</p> <p>E-003596/2013</p>	<p>little or no bedding and a lack of suitable enrichment, even though the EC law requires that these animals be given straw or other natural manipulable material. Lastly, pigs seen on the farms had their tails removed, despite EU rules forbidding routine tail-docking.</p> <p>1. What action does the Commission intend to take in response to these findings?</p> <p>2. How is the Commission going to improve the enforcement of the existing EU animal welfare rules in order to ensure that situations such as that identified by the CIWF do not recur in the future?</p>	<p>procedures against several non-compliant Member States. The Commission is still assessing the case against Spain on this issue.</p> <p>Concerning the requirements of Directive 2008/120/EC<sup>(1)</sup>, the Commission on 8 March 2013 held the first extended working group meeting with the Member States and other stakeholders to discuss the development of <b>guidelines</b>. Such guidelines may assist both pig producers and Member States' authorities in their efforts to comply with the directive. Additionally, the Commission's Better <b>Training</b> for Safer Food programme<sup>(2)</sup> provides the competent authorities in the Member States training, also on the subject of pig welfare. For 2013 and 2014, four such trainings are foreseen on animal welfare in pig production.</p>
<p><a href="#"><u>Compliance with Council Directive 2008/120/EC concerning the welfare of pigs</u></a></p> <p>Question for written answer by Keith Taylor (Verts/ALE) to the Commission</p> <p>Date :<b>15 February 2012</b></p> <p>Reference :</p> <p>E-001816/2012</p>	<p>Paragraph 4 of Chapter I of Annex I to Council Directive 2008/120/EC<sup>(1)</sup> stipulates that pigs 'must have permanent access to a sufficient quantity of material to enable proper investigation and manipulation activities'. Paragraph 8 provides that, before carrying out tail-docking, farmers must take other measures to prevent tail-biting and in particular must change 'inadequate environmental conditions or management systems'.</p> <p>It appears from reports by the Food and Veterinary Office and investigations by animal welfare organisations that many EU pig farms are ignoring these requirements, and that a number of Member States are failing to enforce them properly. The legislative provisions are important for pig welfare. The European Food Safety Authority (EFSA) has recommended that 'in order to provide for the need to root with the nose and manipulate destructible materials, each pig should have access to manipulable destructible material such as straw or other fibrous material'. A technical report submitted to the EFSA in 2011 states that 'an intact curly tail may well be the single most important animal-based welfare indicator for weaned, growing and finishing pigs (...). In addition, it stands for high-quality management and respect for the integrity of the pig'.</p> <p>In 2009 and 2010 the Commission organised helpful conferences on how to achieve improved compliance with EU legislation on pig welfare. Despite these, there appears to be a continuing high level of non-compliance with the provisions on manipulable materials and tail-docking. This is unacceptable given that it is nine years since these</p>	<p>The EU strategy for the protection and welfare of animals 2012-2015(1) was adopted on 19 January 2012. The strategy aims at developing a holistic approach so that common underlying drivers for poor welfare in the EU will be addressed across species.</p> <p>Better enforcement of the existing legislation will be at the forefront of Commission actions, including as regards Directive 2008/120/EC on the protection of pigs(2). In this regard, the strategy foresees targeted actions such as the adoption of EU <b>guidelines</b> on the protection of pigs in 2013. The guidelines will address the specific issues of enrichment material and tail-docking.</p> <p>At the same time, the priority of the Commission is to work in improving the understanding of animal welfare among farmers through increased competence and technical assistance. For that purpose, the above-indicated animal welfare strategy envisages the possibility of proposing a new general legislative framework on animal welfare.</p>

	<p>provisions came into force.</p> <p>The EU Strategy for the Protection and Welfare of Animals (2012-2015) helpfully highlights the need for improved enforcement of EU legislation.</p> <p>What steps does the Commission plan to take to secure improved enforcement of, and compliance with, the provisions of Directive 2008/120/EC concerning manipulable materials and tail-docking?</p>	
<p><a href="#">Enforcement by France of Directive on Welfare of Pigs</a></p> <p>Question for written answer to the Commission Rule 117 David Martin (S&amp;D)</p> <p>Date : <b>30 January 2012</b></p> <p><b>Reference :</b> E-001051/2012</p>	<p>In 2010 the Food and Veterinary Office produced a report evaluating the implementation of controls for animal welfare on farms in France: DG (SANCO) 2010-8390. The report stated that routine tail-docking was carried out on all the farms visited (contrary to Point 8 of Chapter I of Annex I to Directive 2008/120/EC). The report also stated that there was a general lack of manipulable material and that insufficiently clear guidance was given by the French central competent authority (CCA) regarding the requirement to provide manipulable material for pigs. For example, the use of chains was considered by the CCA to be in line with the legislation. However, the Commission made it clear in its answer to a written question (E-5360/09) that since indestructible objects such as chains are not sufficient to provide for the manipulatory need of pigs 'they may be used as supplement to destructible and rooting materials but not as a substitute for them'.</p> <p>The FVO concluded that gaps in the guidelines together with poor enforcement action resulted in major deficiencies in the French pig sector, including mutilations, not having been addressed by the competent authority.</p> <p>Is the Commission satisfied that the French CCA is no longer advising that chains meet the requirements of Point 4 of Chapter I of Annex I to Directive 2008/120/EC?</p> <p>Is the Commission satisfied that France is now properly enforcing Points 4 and 8 of Chapter I of Annex I to the directive?</p>	<p><b>19 March 2012</b></p> <p><b>Answer given by Mr Dalli on behalf of the Commission</b></p> <p>The report DG(SANCO)/2010-8390<sup>(1)</sup> of the audit carried out in France by the Commission<sup>(2)</sup>, highlighted <b>deficiencies in the system of controls on welfare of pigs</b>. In line with those conclusions, the Commission made <b>recommendations</b> to the French authorities to ensure that actions are taken to correct the deficiencies regarding the implementation of Directive 2008/120/EC<sup>(3)</sup> and in particular regarding the avoidance of routine tail-docking and the provisions of proper enrichment materials.</p> <p>The French authorities provided an <b>action plan</b><sup>(4)</sup> to the Commission where they indicate that they revised instructions to their staff performing animal welfare controls. In addition, an <b>ordinance</b> was subsequently issued to simplify and extend the scope of enforcement actions that inspectors can use in case of deficiencies.</p> <p>A further animal welfare audit is planned by the FVO for the second semester of 2012. On that basis, the Commission will be able to assess whether the corrective measures put in place by the French authorities have been effective in addressing the deficiencies observed.</p>
<p><a href="#">Welfare of pigs</a></p> <p>Question for written answer to the Commission Rule 117</p>	<p>It appears from reports by the Food and Veterinary Office that in certain Member States some veterinarians may be inadvertently giving incorrect advice to their pig farmer clients as to the steps they need to take in order to meet the requirements of Council Directive 2008/120/EC.</p>	<p>The Commission would like to underline that primary responsibility for the implementation of animal welfare legislation lies with the relevant Member States' authorities, which shall provide documented procedures to their official</p>



<p>Dan Jørgensen (S&amp;D)</p> <p>Date :<b>24 January 2012</b></p> <p>Reference :</p> <p>E-000777/2012</p>	<p>It seems that some veterinarians may be advising clients that the provision of metal chains or plastic chew-toys is sufficient to meet the requirements of paragraph 4 of Chapter I of Annex I to the directive, which provides that pigs 'must have permanent access to a sufficient quantity of material to enable proper investigation and manipulation activities'. It also appears that some veterinarians may be advising clients that it is permissible to tail-dock even where they have not changed 'inadequate environmental conditions or management systems' before docking as required by paragraph 8 of Chapter I.</p> <p>Does the Commission plan to discuss with veterinary bodies the advisability of guidance being provided for veterinarians regarding the steps their clients need to take to comply with the above provisions?</p>	<p>staff as well as appropriate training.</p> <p>In order to ensure a harmonised application of the requirements the Commission integrated <b>training</b> sessions on the implementation of the directive 2008/120/EC on the protection of pigs<sup>(1)</sup> in the Better Training for Safer Food Programme intended for official veterinarians.</p> <p>Regarding private veterinarians, the Commission adopted a communication on the EU strategy for the Protection and Welfare of animals 2012-2015<sup>(2)</sup>. The strategy foresees the development of EU <b>guidelines</b> on the protection of pigs in 2013. As part of this process, representatives of private veterinarians (FVE) will be consulted.</p>
<p><a href="#"><u>Trimming chickens' beaks and docking pigs' tails</u></a></p> <p>Question for written answer to the Commission</p> <p>Rule 117</p> <p>Martin Häusling (Verts/ALE)</p> <p>Date :<b>11 April 2011</b></p> <p>Reference :</p> <p>E-003864/2011</p>	<p>Between 2005 and 2010, how many holdings had a derogation under Council Directive 2007/43/EC or Council Directive 2008/120/EC and were thus permitted to trim the beaks of chickens kept for meat production or to dock the tails or file the teeth of pigs kept for the same purpose (with a breakdown by type of animal, procedure, country and year), and what authorities notified the Commission of such procedures?</p> <p>As part of cross-compliance checking, does the Commission check whether pigs' tails have been docked or chickens' beaks trimmed and, if so, how many such checks has it carried out since 2005 (with a breakdown by year, Member State and type of holding)?</p> <p>How many cross-compliance checks on holdings that produce chickens or pigs did not include a check on the condition of the stock, and why were these checks not carried out?</p> <p>At how many holdings were infringements of the rules detected and what were the consequences for the holdings in question (with a breakdown by year, Member State, type of holding and nature of infringement)?</p> <p>What is the Commission's assessment of the transposition of the abovementioned directives into national law and of how, in practice, they are being implemented in the respective Member States?</p>	<p><b>20 May 2011</b></p> <p><b>Answer given by Mr Dalli on behalf of the Commission</b></p> <p>Neither Directive 2007/43/EC laying down minimum rules for the protection of chickens kept for meat production<sup>(1)</sup>, or Directive 2008/120/EC laying down minimum standards for the protection of pigs<sup>(2)</sup> contains provisions requiring the Member States to inform the Commission on the possible use of beak trimming of chickens or tail-docking of pigs.</p> <p><b>The Commission therefore can not provide systematic data on the use of those procedures in the Member States.</b></p> <p>As regards cross-compliance, Directive 2007/43/EC is not included in its scope. On the other hand, the directive for the protection of pigs is cross-compliance relevant, as it is listed in part C of the annex of Regulation (EC) No 73/2009<sup>(3)</sup>. Nevertheless, this part C only became applicable as from 2007 for the EU-15 Member States and will become applicable as from 2013 for Member States applying the single area payment scheme (and from 2016 for Bulgaria and Romania).</p> <p>The applicable EU legislation in following the principle of subsidiarity, gives Member States the necessary flexibility to define — within a given framework — requirements, standards and procedures which suit their particular</p>

		<p>agricultural and organisational situation. The information requested on checks and sanctions is not available at the level of detail asked for.</p> <p>However, <b>the Commission services do assess the correct implementation of EU legislation by Member States including the common framework on cross-compliance. In case directives are found to be implemented in an inappropriate way, the Commission may commence infringement proceedings. Furthermore, regular audits of the cross-compliance system allow the Commission to identify weaknesses in the control and sanction system and possibly apply financial corrections in the clearance of accounts procedure.</b></p> <p><b>The Commission inspection service of the Health and Consumers Directorate-General, DG SANCO (FVO — Food and Veterinary Office, located in Grange — Ireland) regularly visits the Member States in order to verify that the competent authorities have properly transposed and implemented the EU legislation on animal welfare.</b> Details of their finding can be found at: <a href="http://ec.europa.eu/food/fvo/index_en.cfm">http://ec.europa.eu/food/fvo/index_en.cfm</a></p>
<p><a href="#">Welfare of pigs</a></p> <p>Question for written answer to the Commission Rule 117 Fiona Hall (ALDE)</p> <p>Date : <b>1 March 2011</b></p> <p><b>Reference :</b> E-002254/2011</p>	<p>Directive 2008/120/EC lays down minimum standards for the protection of pigs. The welfare of pigs was recently highlighted in a presentation in the European Parliament by Pig Business. Various concerns over the intense factory farming of pigs were raised, including the prophylactic use of antibiotics to prevent diseases, pigs being housed in sub-standard, cramped conditions without sufficient access to materials such as straw and hay and the continuing practice of tail-docking across the EU.</p> <p>Is the Commission aware of concerns over the welfare of pigs raised in factory farms? When will the Commission be reviewing Directive 2008/120/EC and will measures be introduced to tighten welfare rules for the factory farming of pigs?</p> <p>I also understand that in South Africa sows are kept in metal gestation crates with no room to turn around during the birth and rearing of piglets. Is the Commission able to raise concerns over the use of these</p>	<p><b>27 April 2011</b></p> <p><b>Answer given by Mr Dalli on behalf of the Commission</b></p> <p>The Commission inspection services of the Directorate-General for Health and Consumers (FVO — Food and Veterinary Office) highlight in their reports that <b>several requirements of Directive 2008/120/EC<sup>(1)</sup> on the protection of pigs such as providing enrichment material to pigs or avoiding routine tail-docking are not fully implemented in several Member States.</b></p> <p>At this stage, the Commission is working to achieve a better and more harmonised enforcement of the already existing EU legislation. In this regard, the Commission organised <b>workshops</b> on the welfare of pigs in November 2009 in Brussels<sup>(2)</sup> and in November 2010 in Parma<sup>(3)</sup> where</p>



	<p>crates during discussions with the South African authorities? What measures are in place to exclude pig meat imports from countries such as South Africa which do not adhere to the welfare standards in place within the EU?</p>	<p>stakeholders and Member States could exchange information and where <b>best practices</b> regarding enforcement were presented.</p> <p>In December 2010 the Commission concluded an evaluation<sup>(4)</sup> of its policies on animal welfare. The evaluation identified several areas of improvements and in particular on enforcement and international issues. The Commission is currently working to present a second EU strategy for the protection and welfare of animals 2011-15 which will set up the main policy objectives for the forthcoming years on animal welfare.</p> <p>There are currently no measures in place to exclude pig meat imports from countries which do not apply the minimum EU requirements for the protection of pigs kept in farms. Such measures would not be compatible with the current obligations of the EU under the World Trade Organisation. However, South Africa is currently not allowed to export pig meat to the European Union for animal health reasons.</p> <p>The Commission is working continuously to raise awareness on animal welfare at international level. In this regard, the Commission participates actively in the on-going development of animal welfare standards by the World Organisation for Animal Health.</p>
<p><a href="#">Routine docking of pigs' tails in Denmark</a></p> <p>Question for written answer to the Commission Rule 117 Dan Jørgensen (S&amp;D)</p> <p>Date : <b>14 October 2010</b></p> <p>Reference : E-8778/2010</p>	<p>Chapter I, point 8 of the annex to Directive 91/630/EEC laying down minimum standards for the protection of pigs<sup>(1)</sup> stipulates that 'Neither tail-docking nor reduction of corner teeth must be carried out routinely but only where there is evidence that injuries...have occurred. Before carrying out these procedures, other measures shall be taken to prevent tail-biting ... For this reason inadequate environmental conditions or management systems must be changed'.</p> <p>EFSA stresses in its 2007 report that 99.2 % of all pigs in Denmark have their tails docked.</p> <p>Does the Commission consider that Denmark is infringing the ban on routine tail-docking as laid down in Chapter I, point 8 of the annex to Directive 91/630/EEC laying down minimum standards for the protection</p>	<p><b>13 December 2010</b></p> <p><b>Joint answer given by Mr Dalli on behalf of the Commission</b></p> <p>Written questions : E-8562/10 , E-8778/10</p> <p>Reports from the Commission inspection service of the Directorate-General for Health and Consumers (FVO — Food and Veterinary Office located in Grange — Ireland) as well as formal complaints addressed to the Commission confirm that Member States including Denmark have difficulties complying with the requirements of Council Directive 2008/120/EC on the protection of pigs<sup>(1)</sup> regarding the avoidance of routine tail-docking and the provisions of</p>

	<p>of pigs? If so, what action will the Commission take?</p> <p>In the unlikely event that the Commission finds that Denmark is acting in accordance with the above directive, can it please state how 'routine tail-docking' is defined?</p> <p>In its 2007 report, EFSA describes tail biting among pigs as an abnormal behaviour. The report also stresses that tail-biting is a direct result of lack of access to manipulable and rooting materials. It concludes that straw is the best material for preventing tail-biting in pigs.</p> <p>According to the Danish pig producers' own accounts, 65 % of the more than 20 million pigs raised for slaughter in Denmark have no access to straw. 30 % have access to less than 10g of straw per day, while only 5 % of Danish pigs have regular access to straw.</p> <p>Does the Commission consider, further to EFSA's conclusions, that the need to dock the tails of pigs in Denmark could be reduced if more than 5 % of Danish pigs were given sufficient access to straw in their pens? If so, what action will the Commission take to set this process in motion?</p>	<p>enrichment materials.</p> <p>In 2009, the Commission evaluated the actions proposed by Denmark to avoid routine tail-docking, and to provide access to manipulable material in pig holdings, within the framework of the instruction of a complaint made by an animal welfare non-governmental organisation. The Commission concluded that the Danish authorities are taking concerted efforts to apply the prohibition on routine tail-docking and in turn to set incentives to provide access to manipulable material. In particular, the 'own-checks programme' proposed by the Danish authorities appears to provide for an innovative approach allowing for individualized guidance to the farmers in improving environmental conditions and management systems. The Commission monitored the application of these provisions by an audit which was carried out on the spot by the FVO in Denmark in November 2010. Recommendations will be given to the Danish competent authority (CA) in order to guarantee the full implementation of the measures regarding the prevention of tail-docking in pig farms.</p> <p>The Commission is aware that avoiding routine tail-docking and providing access to manipulable material are closely-linked welfare issues; in consequence the Commission works with Member States to improve enforcement simultaneously on both issues.</p> <p>The Commission is convinced of the necessity to achieve a better application of these specific provisions on the welfare of pigs throughout the Union, and considers that sharing best practices is a key point to achieve a better enforcement. To this end, the Commission organises workshops targeted at the main stakeholders of the pig sector, and Member States' official veterinarians, in order to improve the dissemination of information on these issues at European level. The second workshop on the welfare of pigs took place in Parma, Italy on 11 November 2010<sup>(2)</sup>.</p>
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<p><b><u>Tail-docking of pigs in Denmark</u></b></p> <p>Question for written answer to the Commission Rule 117 Dan Jørgensen (S&amp;D)</p> <p>Date : <b>11 October 2010</b></p> <p>E-8562/2010</p>	<p>It is well known that docking pig's tails inflicts considerable pain on the animal, both during the procedure and afterwards in the form of phantom pain.</p> <p>In spite of the fact that the routine tail-docking of pigs is banned in the EU, it remains a widespread practice in Denmark. A report adopted by the European Food Safety Authority (EFSA) in 2007 concluded that 99.2 % of Danish pigs had had their tails docked (p 87, fig. 2).</p> <p>Chapter 1, point 8 of the annex to Council Directive 91/630/EEC laying down minimum standards for the protection of pigs (as amended in 2001)<sup>(4)</sup> stipulates that tail-docking must not be carried out routinely and stresses that, before resorting to this procedure, 'other measures shall be taken to prevent tail-biting and other vices taking into account environment and stocking densities. For this reason inadequate environmental conditions or management systems must be changed'.</p> <p>However, it is clear from the abovementioned EFSA report that most Danish producers infringe the prohibition on routine tail-docking laid down in the directive, and that the Danish Government is not enforcing the law.</p> <p>Does the Commission consider that tail-docking is carried out routinely in Denmark if 99.2 % of Danish pigs have their tails docked?</p> <p>Does the Commission consider that Council Directive 91/630/EEC, which prohibits the routine tail-docking of pigs, is being infringed in Denmark, given that 99.2 % of all pigs in Denmark have their tails docked?</p> <p>What measures does the Commission propose to take to ensure that Council Directive 91/630/EEC is complied with in Denmark?</p>	
<p><b><u>Enforcement of welfare legislation for farm animals in Spain</u></b></p> <p>Question for written answer to the Commission Rule 117 David Martin (S&amp;D)</p> <p>Date : <b>16 September 2010</b></p> <p>Reference :</p>	<p>The Food and Veterinary Office (FVO) has recently published a General Audit of Spain (DG(SANCO)/2008-8347). This includes a specific audit on the welfare of farm animals, which reveals a wide-ranging failure by Spain to enforce EU legislation on the protection of animals on farms and during transport and slaughter. The problems reported include overstocking of cages for hens, routine tail-docking of pigs accepted by the authorities without question, evaluation of all the journey logs reviewed by the FVO team as unsatisfactory, unrealistically short estimated journey times, overstocking of transport vehicles, transport of unfit animals, and inadequate stunning of sheep.</p>	<p><b>22 November 2010</b></p> <p><b>Answer given by Mr Dalli on behalf of the Commission</b></p> <p>The specific audit on welfare carried out by the Commission Inspection Service of Directorate General for Health and Consumers (Food and Veterinary Office (FVO) located in Grange, Ireland) in 2008 identified deficiencies in the Spanish system of controls on the protection of animals in farms, during transport and at the time of slaughter. The audit confirmed findings of previous FVO inspections and the existence of recurrent non-compliances which had not been</p>

<p>E-7666/2010</p>	<p>What measures does the Commission propose to take to ensure that EU legislation on the welfare of animals on farms and during transport and slaughter is properly enforced in Spain?</p>	<p>addressed adequately by the Spanish authorities.</p> <p>The Commission is investigating potential failures of Spain to comply with the European Union legislation on the welfare of animals at slaughter within the framework of an infringement procedure which was launched in 2007. The Commission is now monitoring the actions taken by Spain on this issue. For this purpose, a targeted FVO inspection was carried out between 21 September and 1 October 2010. Commission services are still in the process of evaluating the outcomes of this mission.</p> <p>The Commission opened an infringement procedure against Spain as regards welfare of animals during transport in 2007. The Commission is currently evaluating the actions taken by the Spanish authorities within the framework of this procedure and whether there are sufficient elements to demonstrate that Spain systematically breaches EU legislation on the welfare of animals during transport. To this effect, another FVO inspection focused this time on transport issues is scheduled for November 2010 in order to reassess the situation on the spot.</p> <p>Finally, regarding the welfare of farmed animals, following the 2008 FVO mission, the Commission recommended Spanish authorities to take measures to ensure that the minimum requirements for cage systems used for laying hens are respected and that effective corrective actions are taken when deficiencies are detected. <b>Concerning the welfare of pigs, the Commission asked Spanish authorities to ensure that during inspections of pig farms, all requirements of EU welfare legislation are checked and deficiencies addressed. The Commission will continue to monitor the actions the Spanish authorities committed to take to address the above recommendations.</b></p>
<p><a href="#"><u>Minimum standards for the protection of pigs</u></a></p> <p>WRITTEN QUESTION by Esther de</p>	<p>Council Directive 2008/120/EC<sup>(1)</sup> of 18 December 2008 laying down minimum standards for the protection of pigs refers <i>inter alia</i> to a ban on docking pigs' tails and to providing drainage facilities in their pens, except in specifically defined situations.</p>	<p>Member States are primarily responsible for implementing Council Directive 2008/120/EC laying down minimum standards for the protection of pigs<sup>(1)</sup>. The Commission, as guardian of the Treaties, must ensure that Member States apply EU legislation. To this effect, the Commission</p>



Lange (PPE) to the Commission

Date : **25 January 2010**

Reference :

E-0403/2010

1. How is the implementation of Directive 2008/120/EC proceeding in the Member States, and does the Commission know how the European rules laid down in that directive are being complied with in the Member States?

2. To what extent are the drainage facilities referred to in Directive 2008/120/EC provided in pig-pens in the Member States?

3. To what extent does it in fact remain possible to dock pigs' tails, and to what extent do the various Member States take advantage of the possible derogations in this regard permitted by Directive 2008/120/EC?

4. If disparities exist between Member States in the implementation of, and compliance with, the rules, what proposals will the Commission make in connection with the EU Animal Welfare Action Plan 2011-15 in order to maintain a level playing field?

inspection service of the Directorate-General for Health and Consumer Policy (FVO — Food and Veterinary Office located in Grange — Ireland) regularly carries out on-the-spot audits in Member States. During these audits, pig farms and the system of controls put in place by Member States are inspected to ensure the application of EC law is assessed. **In case deficiencies are found, recommendations to take corrective actions are addressed to Member States.**

Based on the reports of the FVO<sup>(2)</sup>, it appears that the requirement of Council Directive 2008/120/EC to provide enrichment material to pigs, such as straw, hay, sawdust, mushroom compost, peat or a mixture of such, is not fully implemented in several Member States. Technical problems to eliminate such materials in fully slatted systems, associated with a lack of training of inspectors and farmers have partly led to the current situation. In this regard, the FVO reports mention that Member States have slowly started to develop guidance for inspectors and farmers to better implement this requirement.

The directive states that tail-docking must not be carried out routinely but only where there is evidence that injuries to other pigs' ears or tails have occurred. Before carrying out this procedure, other measures shall be taken to prevent tail-biting and other vices, taking into account environment and stocking densities. For this reason, inadequate environmental conditions or management systems must be changed. **Based on the reports of the FVO, it appears that the requirement of Council Directive 2008/120/EC to avoid routine tail-docking of pigs is not fully implemented in several Member States.** Tail-biting has multi-factorial causes, as stated in the relevant scientific opinion of the European Food Safety Authority (EFSA)<sup>(3)</sup>, which needs to be identified and addressed at farm level in order to reduce the need for tail-docking.

The Commission is working to achieve a better and more harmonised enforcement of EU legislation. In this regard, the Commission organised a **workshop** on the welfare of pigs in November 2009 in Brussels where stakeholders and

		<p>Member States could exchange information, and where best practice regarding provision of enrichment material and avoidance of routine tail-docking were presented. The Commission intends to pursue this type of initiative. Furthermore, the Commission is currently in the process of evaluating its policies on animal welfare. Evaluating the enforcement of EC law will be one of the key points of this exercise which should be concluded by December 2010. Results of the evaluation as well as the latest scientific opinions of EFSA will be considered in the future work of the Commission in order to improve the welfare of pigs.</p>
<p><a href="#"><u>Welfare of pigs</u></a></p> <p>WRITTEN QUESTION by Caroline Lucas (Verts/ALE) to the Commission</p> <p>Date : <b>20 October 2009</b></p> <p>Reference : E-5360/2009</p>	<p>Council Directive 2008/120/EC<sup>(1)</sup> laying down minimum standards for the protection of pigs stipulates that pigs must have permanent access to a sufficient quantity of material to enable proper investigation and manipulation activities.</p> <p>Does the Commission accept the view of the European Food Safety Authority's opinion on fattening pigs that indestructible objects such as chains or tyres are not sufficient to provide for the manipulatory need of pigs, and so they may only be used as a supplement to destructible and rooting materials but not as a substitute for them?</p> <p>Does the Commission also accept the view of the European Food Safety Authority's opinion on tail-biting that toys such as chains, chewing sticks and balls are not effective enrichment materials?</p>	<p><b>11 December 2009</b></p> <p><b>Answer given by Ms A. Vassiliou on behalf of the Commission</b></p> <p>The requirements for providing enrichment materials to pigs are laid down in Council Directive 2008/120/EC on the protection of pigs<sup>(1)</sup>. Point 4 of Chapter I of the annex to the directive stipulates that pigs must have permanent access to a sufficient quantity of material to enable proper investigation and manipulation, such as straw, hay, wood, sawdust, mushroom compost, peat or a mixture of such, which does not compromise the health of the animals.</p> <p>Providing appropriate foraging material, such as the ones listed in the directive, can be difficult in pig holdings with fully slatted floors unless there is automatic shredding in the waste disposal system. For this technical but also for economical reasons, chains, tyres, chewing sticks or balls have been used as enrichment materials by certain pig producers in several Member States.</p> <p>Following a mandate from the Commission, the European Food Safety Authority (EFSA) issued five scientific opinions on the welfare of pigs between 2005 and 2007. The conclusions and recommendations of the opinions regarding fattening pigs<sup>(2)</sup> and tail-docking<sup>(3)</sup> are quite clear on enrichment materials. Indeed the scientific opinion on fattening pigs states that since indestructible objects such as chains or tyres are not sufficient to provide for the</p>

manipulatory need of pigs, they may be used as supplement to destructible and rooting materials but not as a substitute for them. Furthermore **the scientific opinion on tail-docking states that tail-biting is considered as an abnormal behaviour for which the major underlying motivation is the need to perform exploration and foraging behaviour. It concludes that there is little evidence that provision of toys such as chains, chewing sticks and balls can reduce the risk of tail-biting.**

In order to disseminate information on adequate enrichment materials and to promote better enforcement of EU legislation, the European Commission organised a specific **workshop** on pig welfare which was held on 17 November 2009 in Brussels and where best farming practices as well as the latest EFSA scientific opinions on pig welfare were presented to the main actors of the food chain from farmers to representatives of the retailing sector.





## DIRECTORATE-GENERAL FOR INTERNAL POLICIES

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